

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PROGRESSIVE PREFERRED INSURANCE COMPANY, an Ohio corporation and PROGRESSIVE AMERICAN INSURANCE COMPANY, a Florida corporation,

Plaintiffs.

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MATTHEW G. SEPPALA and MELINDA M. SEPPALA,

Defendants.

Case No. C05-5131RJB

ORDER ON MOTIONS FOR SUMMARY JUDGMENT

This matter comes before the court on Progressive's Motion for Summary Judgment (Dkt. 17), defendants' Cross Motion for Summary Judgment (Dkt. 16) and Stipulated Facts (Dkt. 15). The court is familiar with the records and files herein and on September 16, 2005, heard the argument of counsel and orally ruled on the motions. Based on the Findings of Fact and Conclusions of Law orally stated by the court and for the reasons stated by the court in its oral opinion, the plaintiffs' Motion for Summary Judgment is hereby DENIED and defendants' Motion for Summary Judgment is hereby GRANTED.

It is further ORDERED that judgment shall be entered in favor of defendants, declaring that the full \$500,000 of each of the underinsured motorist coverages contained in the two policies issued

1 to defendants by plaintiffs apply to defendants' claim for underinsured motorist benefits under said
2 policies and arising out of an accident on March 16, 2004.

3 It is further ORDERED that defendants may recover reasonable attorney fees from plaintiffs
4 in an amount to be determined in supplemental proceedings.

5 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of
6 record and to any party appearing *pro se* at said party's last known address.

7 DATED this 19th day of September, 2005.

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10 Robert J. Bryan
11 United States District Judge

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